IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 16270 of 2005(J)

PETITIONER:

S.L.BINDU, ATTENDER, THONNAKKAL
AGRICULTURE CREDIT CO-OPERATIVE SOCIETY LTD.,
NO.H.W.21, THONNAKKAL P.O. THIRUVANANTHAPURAM
695 317.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, CO-OEPRATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES 9GENERAL)OFFICE OF THE JOINT REGISTRAR, THIRUVANANTHAPURAM.

3. THE CONVENOR, ADMINISTRATIVE COMMITTEE, THONNAKKAL AGRICULTURAL CREDIT CO-OEPRATIVE SOCIETY LTD. NO.H.W.21. THONNAKKAL P.O. THIRUVANANTHAPURAM.

4. N.SADANANDAN, THE PRESIDENT, THONNAKKAL AGRICULTURAL CREDIT CO-OPERATIVE SOCIETY LTD NO.H.W.21, THONNAKKAL P.O. THIRUVANANTHAPURAM, RESIDING AT USHA NIVAS, SASTHAVATTOM, PERUMKUZHI, THIRUVANANTHAPURAM.

5. THE THONNAKKAL AGRICULTURAL CREDIT, CO-OPERATIVE SOCIETY LTD NO.H.W.21, THONNAKKAL PO, REPRESENTED BY ITS SECRETARY, THONNAKKAL P.O. THIRUVANANTHAPURAM.

ADDL. 6. ANIL JOY, THE PRESIDENT,
THONNAKKAL AGRICULTURAL CREDIT CO-OPERATIVE SOCIETY LTD.NO.H.W.21, THONNAKKAL P.O.,
THIRUVANANTHAPURAM.

(IMPLEADED AS ADDL.R6 AS PER ORDER DATED 24.1.2007, IN I.A.No.7718/2006)

BY ADV. SMT.P.A.ANITHA
SRI.M.SREEKUMAR
BY GOVT. PLEADER SRI.P.N.SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007, ALONG WITH WPC NO. 18066 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF NOTICE DATED 1.7.1999 FOR INTERVIEW FOR THE PROVISIONAL APPOINTMENT ISSUED TO THE PETITIONER.
EXT.P2	TRUE COPY OF LIST OF THOSE WHO PARTICIPATED IN THE WRITTEN TEST AND INTERVIEW FOR ATTENDER.
EXT.P3	TRUE COPY OF THE RANK LIST OF PROVISIONAL ATTENDER SELECTION.
EXT.P4	TRUE COPY OF THE APPOINTMENT ORDER DATED 14.10.2004 ISSUED BY THE 5TH RESPONDENT IN FAVOUR OF THE PETITIONER.
EXT.P5	TRUE COPY OF NOTICE DATED 23.12.04 ISSUED FROM THE SECOND RESPONDENT TO THE PETITIONER.
EXT.P6	TRUE COPY OF COMPLAINT DATED 18.10.2004.
EXT.P7	TRUE COPY OF THE ORDER OF THE SECOND RESPONDENT DATED 5.1.2005.
EXT.P8	TRUE COPY OF APPEAL FILED BEFORE THE FIRST RESPONDENT DATED 27.1.2005 BY THE PETITIONER.
EXT.P9	TRUE COPY OF THE WRITTEN STATEMENT OF THE 4TH RESPONDENT BEFORE THE FIRST RESPONDENT DATED 14.3.2005.
EXT.P10	TRUE COPY OF THE ORDER OF THE GOVERNMENT DATED 21.5.2005.
EXT.P11	TRUE COPY OF THE JUDGMENT IN W.P.(C) 75/2005 DATED 7.1.2003.
EXT.P12	TRUE COPY OF THE CERTIFICATE ISSUED BY THE SECRETARY OF THE 5TH RESPONDENT DATED 7.6.2005.

//true copy//

P.S. to Judge.

J.M. JAMES, J.

W.P.(C) Nos. 16270 of 2005 &
18066 of 2006

Dated this the 24th January, 2007.

J U D G M E N T

The writ petitioners, in both the above writ petitions were the prospective candidates, who appeared for the written test, as well as for interview. While Ms.S.L.Bindu, the petitioner in W.P.(C) No.16270/2005, secured second rank, Sri.S.Sasikumar, the petitioner in W.P.(C) No.18066/2006, was placed in the first rank of the list, by the sub-committee, constituted by the managing committee of the Thonnakkal Agricultural Credit Co-operative Society Ltd.No.H.W.21, in short 'the Society'. It is alleged that some of the members of the Managing Committee had resigned. Therefore, the interview conducted by the sub-committee was not accepted. Consequently, the appointments as per the rank list prepared was also not honoured. The same are under challenge through these writ petitions by the petitioners.

2. The materials produced before me show that the resignations of the members of the managing committee had not been accepted, as all of them, whose resignations have been alleged of, had stated before the Joint Registrar that they did not actually tender any such resignations. Further, immediately after the alleged resignations, they

attended the meeting of the managing committee on 13.10.2004, which show that there was no resignation, as alleged. Neither the Joint Registrar nor any one else had enquired about the alleged resignations. In effect, the interview conducted consequent on the written test of the writ petitioners are only to be accepted.

3. When the writ petitions came up for consideration, I heard the arguments advanced by both sides. As I find no need to go into the details of the alleged resignations, the authority of the sub-committee constituted who conducted the interview, and all other aspects, in the light of the submissions made by the Senior Government Pleader, I set aside G.O. (Rt) 330/2005/Co.op., Thiruvananthapuram, dated 21.5.2005, which has been passed in confirmation of the order of the Joint Registrar. Accordingly, I direct the Society to regularise the appointments of the writ petitioners from the date of their joining duty, 17.10.2004. This shall be done within one month from today.

The writ petitions are allowed as above.

J.M. JAMES,
JUDGE

nj.